

TOWN OF TURTLE

PLANNING AND ZONING COMMISSION MEETING MINUTES

AUGUST 16, 2006 7:00 P.M.

- 1) Call to Order: The meeting was called to order by Tom Straub at 7:02 p.m.
- 2) Pledge of Allegiance
- 3) Roll Call/ Quorum Call: Commission members present included, Don Jones, Roger Anclam, Dan DeLong, June Voge, Margaret Palubinski, and Tom Straub.
Also present were Mike Birkholz, and Bill Henderson.
- 4) Approval of Agenda: Don Jones made a motion to approve the agenda as presented. Margaret Paulbinski seconded the motion. The motion carried with all ayes.
- 5) Public Notices – Future Meetings: As stated on the Agenda
- 6) Citizens Question/ Comments: None
- 7) Zoning Administrator Report: Mike Birkholz reported that they had issued 4 building permits and 1 pool permit.
- 8) Commission Comments: Tom Straub offered the commission's sympathy to Don Jones and his family in the loss of his mother. Don Jones thanked the commission for their support.
Tom Straub reported that the change in the zoning ordinance referring to Animal Allowance has been approved by the Town Board and goes to public hearing in September.
- 9) Approval of Minutes:
 - a) July 19, 2006: Roger Anclam made a motion to approve the minutes as presented. Margaret Palubinski seconded the motion. The motion carried with an all ayes.
 - b) July 24, 2006: Don Jones made a motion to approve the minutes as presented. Roger Anclam seconded the motion. The motion carried by an all ayes.

- 10) Public Hearing 7:15 p.m. : Dan Gander – Conditional Use Permit Application to increase Cattle livestock from 15 to a maximum of 30: --** *Although the Conditional Use Permit Application states "Continue raising beef breeding stock" in the July 19, 2006 Planning Commission meeting, Mr. Straub asked Mr. Gander if the intent would be to raise the no. of permitted cattle from 15 to 30 max. Mr. Gander stated yes.--* Town Attorney called the Public Hearing to order and explained the application. Dan Gander explained that he has always understood that the zoning allowed 1 large animal AND 1 calf per acre.

Mr. Gander stated that he had been in contact with LeRoy Laursen and LeRoy had given him paperwork stating the zoning the way Mr. Gander had thought. Mr. Gander was not able to locate the paperwork at this time. Mr. Gander said that he didn't understand what the problem is and that his neighbors did not understand it either. None of the neighbors have complained. Mr. Gander explained that he has worked the land for almost 20 years now and has gotten it to an organic state. Mr. Gander explained that the land is safer than ½ of the pools in the Town. His fence is second to none and the cattle rarely get out. Mr. Gander explained that there are no health issues with the cattle, that in the last 20 years he has lost 3 calves, and only on two occasions has had to use antibiotics. All calves are sold. Mr. Gander said that he was confused as to if his property is safe, well kept and healthy, that there is a problem. He was confused that one person could complain about a manure pile and all of a sudden he starts getting legal letters without contact from anyone from the Town.

Don Jones stated that he appreciated his position , but Don himself had been sitting on the commission for a long time and remembers that there had been problems in the past.

Don Jones mentioned an incident in 2001. Bill Henderson read a copy of a letter sent to Mr. Gander requesting the removal of excess animals. Mr. Gander claimed that he had never received a letter. Bill Henderson provided the registered letter receipt signed by Dan Gander.

Mr. Gander remembered getting a letter, but thought it was a few years before the 2001 letter. Mr. Gander explained that he and LeRoy Lausren had talked about the situation and he thought it was resolved.

Bill Brewer stated that he had done some research and looked at the zoning ordinances from the year in question and all he could find was that the ordinances allowed one large animal per acre.

Roger Anclam stated that he was confused about there being a complaint. He stated that at one meeting it was said that there was no complaint and now it is understood that there is a complaint.

Dan DeLong stated that the differences between the A1 and A2 with the livestock is neighbor issues.

Dan Gander again stated that there are no neighbors complaining. Mr. Gander stated that he was causing no harm and there was no one at the public hearing to dispute the issues.

Margaret Palubinski asked how specific can a Conditional Use permit be.

Bill Henderson said that it can be as specific as the commission needs it to be.

Bill Brewer asked if a Conditional Use permit can be pulled.

Bill Henderson offered that it can be revoked if the use changes or is noncompliant.

June Voge stated that she understood, as did Mr. Gander, that the Conditional Use Permit Application was suggested to Mr. Gander to clear up question and problems.

Don Jones stated that clearly Mr. Gander had been in violation before and did not comply.

There was question as to the original complaint, and Mike Birkholz explained that it was from a Board member and that he is obligated to follow up on any complaints issues by a Board member. Bill Henderson explained that the original complaint was made by Fran Patch about the excess manure.

Mr. Gander insisted that the only contact he had in the past was with LeRoy and he understood that there was no problem.

Mr. Jones stated that Mr. Gander should have come before the commission and defended himself at that time.

Mr. Gander said that if the complaint was about the manure pile, then someone could have come to him and talked to him first before a legal letter was issued. Mr. Gander explained that he is composting the manure pile, and has been for two years. The process is almost done and then he will spread the compost on the old hay field.

June Voge asked what the object of the Conditional Use Permit, but to allow such circumstances, to treat this as an individual situation. Tom Straub stated that it would have to go along with the permitted uses.

Bill Brewer asked if a Conditional Use Permits can be revoked if the provisions set are not being met.

Bill Henderson explained that Conditional Use Permits can be revoked if they are not on compliance.

Margaret Palubinski apologized for the wheels of justice moving so slowly, and commended Mr. Gander for coming forth to do things properly. Margaret also said that she understood that there are no complaints from Mr. Gander's neighbors. Margaret noted that this situation is much different than the issues on Gustafson Road where the neighbors are much closer together.

Margaret Palubinski made a motion that we approve the Conditional Use Permit with restrictions to include that the parcel size not to be any smaller, that it would never have more than 15 adult cattle and 15 offspring, and that the manure pile be decreased within 12 months. June Voge seconded the motion. Roll Vote as follows: Roger Anclam, no; Dan DeLong, no; Bill Brewer, yes; June Voge, yes; Margaret Palubinski, yes; Don Jones, no; Tom Straub, no. The motion did not carry.

There was more discussion about manure and the placement of such.

Dan DeLong commented that the sad thing about the smaller towns and villages, you vote on something, and the next day you see this person at the coffee shop. Mr. DeLong wanted to make sure that Mr. Gander knew that there was nothing personal about the decision, that he felt the Gander operation was second to none, that his concern was to grant this Conditional Use, the next person who buys 15 acres and wants to put 27 animals on it, the first place they will point, if someone questions it, is this parcel.

Dan DeLong made a motion to deny the Conditional Use Permit application, with 12 months to down size. Don Jones seconded the motion. Don Jones explained that it is the commissions job to enforce the ordinances. That it is a tough job and he is trying to be fair.

Mr. Gander said he appreciates the commission's position, but he knows that there are many other farms not in compliance with the ordinances. Don Jones said that unfortunately the town operates on a complaint basis. Dan DeLong explained that the town cannot police the ordinances, but can follow up if there is a complaint.

Roll Vote as follows: Roger Anclam, yes; Dan DeLong, yes; Bill Brewer, no; June Voge, no; Margaret Palubinski, no; Don Jones, yes; Tom Straub, yes. The motion carried.

11) Unfinished Business:

12) New Business:

- a) Gail Bennett – Land Combination – Add 1.85 Acres of A1 with C1 overlay – Sept. Meeting: The application was reviewed by the commission and it will be on the Sept agenda.
- b) Subdivision Checklist: Tom Straub advised the commission to review the checklist provided by Bill Henderson, to discuss at the September meeting.
- c) Rozran Update: The Rozran subdivision went before the City Planning and was approved with the 4 suggestions from the Beloit Planning Commission. The matter will go before the City Council and then to the County.
- d) Signage – Section 19.10: This matter will be discussed at the next workshop.
- e) Livestock Siting Ordinance: The preliminary draft will be presented at the workshop meeting on Sept. 11, 2006.

13) Adjournment: The motion was made and seconded to adjourn at 8:15.

Respectfully submitted

Jenniffer Julseth, Deputy Clerk /Treasurer

